



**City of Santa Clara  
PLANNING COMMISSION  
Wednesday, May 28, 2008  
7:00 P.M.  
CITY COUNCIL CHAMBERS  
MINUTES**

Please refer to the Planning Commission Procedural Items coversheet for information on all procedural matters.

**REGULAR ITEMS – 7:00 p.m.**

**1. PLEDGE OF ALLEGIANCE and INVOCATION**

Chairperson Champeny initiated the Pledge of Allegiance and the Invocation was read.

**2. ROLL CALL**

The following Commissioners responded to roll call: Chairperson Ian Champeny, Vice-Chairperson Todd Fitch, Commissioners Tony Marine, Teresa O'Neill, Mohammed Sarodi, and Keith Stattenfield.

Commissioner Frank Barcells was excused.

**3. DISTRIBUTION OF AGENDA AND STAFF REPORTS**

Ms. Painter advised those present that copies of current agendas and staff reports for each of the items on the agenda are available from the Planning Division Office on the Friday afternoon preceding the meeting and are available at the Commission meeting at the time of the hearing.

**4. DECLARATION OF COMMISSION PROCEDURES**

Chairperson Champeny reviewed Planning Commission procedures for those present.

**5. REQUESTS FOR EXCEPTIONS, WITHDRAWALS AND CONTINUANCES**

Agenda Item #11. File: PLN2007-06419/CEQ2007-01047 Location: 2585 El Camino Real

**6. ITEMS FOR COUNCIL ACTION**

The following items will be sent forward to the City Council following the conclusion of hearings and recommendations by the Planning Commission:

Agenda Item #10. File: PLN2007-06781: Location: 1575 Pomeroy Avenue

Agenda Item #13. File: CEQ2007-01043 Location: City-wide (08/09 CIP)

**7. ORAL PETITIONS/ ANNOUNCEMENTS AND COMMUNICATIONS**

There were none.

**8. CONSENT CALENDAR**

The following items routine and public hearing items were approved under the Consent Calendar unless otherwise noted.

**Routine Items/Consent Calendar**

**8.A.** Planning Commission Minutes of April 23, 2008

**Commission Action: Approved as Submitted**

## **Public Hearing Items/Consent Calendar**

- 8.B.** File: **PLN2007-06788**  
Location: 1998 Homestead Road, a 0.73 acre lot located on the southeast corner of Homestead Road and Scott Boulevard (APN 269-24-043). Property is zoned CN (Neighborhood Commercial).  
Applicant/Owners: Jinhie Lee and Hakwoo Lee  
Request: **Use Permit** to allow beer and wine service requested for a new restaurant.  
Project Planner: Judith Silva, Associate Planner and Marge Sung, Assistant Planner I  
**Commission Action:** **Approved, subject to conditions**
- 8.C.** File: **PLN2008-06861**  
Location: 2735 Scott Blvd. (APN 224-57-008), a 0.72 acre lot located on the northeast corner of Scott Boulevard and Walsh Avenue. Property is zoned ML (Light Industrial).  
Applicant/Owner: Qing Gan/Peter & Anna Silberstein  
Request: **Use Permit** for a new 7,113 square foot retail commercial building.  
Project Planner: Daniel Vanwie, Assistant Planner I  
**Commission Action:** **Approved, subject to conditions**
- 8.D.** File: **PLN2003-04079, PLN2006-05534, and CEQ2003-01015**  
Location: 3610 and 3700 El Camino Real, two lots totaling 12.59 acres at the southwest corner of El Camino Real and Lawrence Expressway (APNs: 313-06-002 & 004). Property is zoned CC (Community Commercial)  
Applicant/Owner: Santa Clara Square, LLC  
Request: **Status report only regarding the continuance of the following request: Certify Environmental Impact Report (EIR) (SCH2003122002)**  
**Rezone** from Community Commercial (CC) to PD (Planned Development) for Mixed Use development of up to 490 residential condominium units, up to 12,300 square feet of office and up to 171,000 sq. ft. of retail  
**Tentative Subdivision Map** of the site into five parcels with air space condominiums above;  
**Variance** for a reduction in parking from 1,876 to 1,762 spaces; and **Development Agreement**  
Project Planner: Debby Fernandez, Assistant Planner II  
**Commission Action:** **Noted and Filed status report**
- 8.E.** File: **PLN2008-07014**  
Location: 642 Enright Avenue, a 5,661 square foot lot on the west side of Enright Avenue, approximately 355 feet north of Forbes Avenue (APN: 294-07-012). Property is zoned R1-6L (Single Family Residential).  
Applicant/Owner: Everth and Kyoko Ramirez  
Request: **Variance** to allow one (1) car garage where two (2) covered parking spaces are required in conjunction with converting the hobby room back to garage and a rear addition to an existing single family residence.  
Project Planner: Marge Sung, Assistant Planner I  
**Commission Action:** **Approved, subject to conditions**

**CONTINUED ITEMS**

9. File: **PLN2008-06835**  
 Location: 1 Great America Parkway, a portion of the Great America Theme Park, generally located on the east side of Great America Parkway, south of Tasman Drive (APN 104-41-019).  
 Applicant: CA Great America/Cedar Fair  
 Owner: City of Santa Clara  
 Request: **Variance** for ride height in conjunction with the construction of a 111-foot high wooden coaster.  
 Project Planner: Jeff Schwilk, AICP – Associate Planner

Mr. Schwilk announced that a March 31, 2008 letter prepared by Prudential's attorney, Tim Tosta, was included in the Commission packet and that a power point presentation will be provided by Cedar Fair and a representative for the adjacent property owner Prudential Real Estate, as part of the public hearing. Mr. Riley added that public comment has been received and is included with the staff report. Mr. Riley provided a power point presentation and outlined the development history of the project site; evolution of property development surrounding the site; and historical perspective of Council's vision for development of the area. Mr. Riley identified existing land uses and noise levels that produce noise impacts and require mitigation by development to attenuate outside noise. Mr. Riley then provided an overview of the development applications, environmental clearance, and entitlements related to the project site; including variances granted over time to exceed height limitations of the assigned CT (Thoroughfare Commercial) zoning for the site.

Mr. Riley presented the project and identified the proposed location for the roller coaster, separation distances from neighboring residences and office buildings, and view sheds into the theme park. Mr. Riley stated that noise studies were prepared by consultants for both the applicant and Prudential Real Estate to assess noise impacts on the surrounding environment relative to height and location of the proposed ride. Mr. Riley noted that the ride will be visible from adjacent properties and that the projected noise will meet City standards. Mr. Riley concluded with a summation of the Resolution findings to support the project request.

Following the staff presentation, the Commission discussed the appropriateness of continued variance requests and entitlements to exceed the height limit established by the zoning district, versus rezoning of the property to PD (Planned Development). Mr. Riley explained that past variance approvals for the site were appropriate as each was evaluated on a case-by-case basis within the theme park. Mr. Riley noted that rezoning the property to PD would provide a mechanism to streamline the process, so that every application for a new ride/attraction that is within the parameters defined by the PD would not require a public hearing, although they would be subject to CEQA(the California Environmental Quality Act). In response to a question from Commissioner Fitch regarding State law, Assistant City Attorney Tina Wallis clarified that the City must comply with the regulations of the City Code for variance applications.

A discussion then followed reviewing code compliance of existing buildings for noise attenuation; compliance of the project with the City's noise standards; CEQA thresholds for noise impacts; and applicability of CEQA exemption Section 15323 to the project.

Mr. Bill Lentz, project applicant, then addressed the Commission with a power point presentation of the project and discussion of investments in park attractions. He noted the park regularly adds rides and attractions in order to maintain its customer base. Mr. Lentz detailed the proposed design of the rollercoaster, site location, ride mechanics, sound analysis, site lighting, landscaping and park's project timeline.

Mr. Les Hausrath, attorney for the applicant, then addressed the Commission with an explanation of the CEQA exemption for amusement parks as provided by the State. Mr. Hausrath stated that the project meets the City's noise standards and that the exemption would only be inapplicable if the

project produced unusual noise conditions for an amusement park, adding that in this case it would not; and, he then reviewed the required variance findings.

Mr. Tim Tosta, attorney for Prudential, presented aerial photos from previous years and discussed the historical record of development in the project area to be entered into the record. Mr. Tosta stated that the City's Code does not address "screaming noise" for sound or measurement and that Prudential has conducted interior noise measurements that revealed a 5 dBA (decibel) to 8 dBA increase in noise above ride background sound levels with screaming. Mr. Tosta stated that the existing glass in the building is adequate and that there have been no noise complaints over the last five years by Prudential regarding existing theme park noise levels. Mr. Tosta stated that the proposed ride would create a visual impact on adjacent structures and spoke to the required findings for project approval, countering that the use versus the land is unusual; that disruptive noise and visual intrusion would create an adverse impact; that the number of variances and variance applications demonstrate inconsistency with the property's zoning; and that a comprehensive land use strategy needs to be applied.

Commissioner O'Neill asked whether Prudential's objection is to screaming or to the roller coaster. Mr. Tosta stated the concern is the noise that enters the building and the length of time it may take the City to remedy a noise complainant as well as enforcement. He stated that there is a need to study the impacts, mitigations, remedies, and enforcement for noise.

Commissioner Stattenfield asked whether there is a process for dealing with noise complaints. Mr. Riley answered with an explanation of the City's procedure for responding to noise complaints and the noise attenuation practices to mitigate both new and existing noise sources, citing airport noise and the window replacement program as examples. Mr. Lentz addressed the question with an explanation of the mechanisms employed to reduce noise from rides. Mr. Tosta noted that screaming noise is different and it is harder to measure the psychological impacts.

The Commission then opened the public hearing.

Chris Stampolis stated that the Commission is required to apply existing law and make all of the findings to approve the project; and that the variance is inappropriate and legally indefensible.

Kevin Park, resident, expressed his opposition to the variance request for height and stated that there are problems with noise, screaming and frequency.

A nearby resident stated that screaming noise is audible across the San Tomas Aquino Creek in the adjoining residential area and that additional sound barriers are needed along the park's east property line. He also expressed his concern for the noise that the new ride would create and noted that there is an expectation that rides in the park will change.

In rebuttal of Mr. Stampolis' comment, Mr. Hausrath explained why the CEQA exemption is applicable and appropriate; further discussed the noise levels measured and projected with the project for the exterior and interior of the Prudential buildings; and concluded with a summation of the negotiation and settlement discussions between Cedar Fair and Prudential. Commissioner Marine inquired as to why the negotiations failed and Mr. Hausrath responded that a number of items such as unpaid rents, lost revenues, ride location and type of future rides could not be agreed upon, which resulted in the breakdown of negotiations.

The Commission then closed the public hearing. A discussion of the variance request, noise, CEQA, findings for approval, and rezoning of the property followed.

#### **Commission Recommendation – May 28, 2008**

The Commission then made the necessary findings and determined that the variance application is appropriate; that noise is not an issue as it is a known and existing condition, as set forth in the Commission's Resolution; and that the project is, as set forth in the Commission's Resolution,

categorically exempt per Section 15323 of CEQA. Commissioner Marine made the motion to adopt the Resolution and approve the Variance request, subject to conditions. The motion was seconded and unanimously approved by the Commission (Barcells excused).

Mr. Riley noted that this action is final, unless appealed within 7 days.

**10. File: PLN2007-06781**  
Location: 1575 Pomeroy Avenue, a 12,423 square foot lot, located on the east side of Pomeroy Avenue, approximately 350 feet south of El Camino Real (APN 290-03-089). Property is zoned R1-6L (Single Family Residential).  
Applicant: Kurt Anderson of Anderson Architects  
Owner: ERN Speno LLC  
Request: **Rezone from R1-6L to PD** (Planned Development/R3-18D) to demolish an existing residence and construct three detached townhomes.  
Project Planner: Doug Handerson, AICP, Associate Planner

#### **Summary of Discussion – May 28, 2008**

Ms. Sciara provided a background on past hearings for this project, as well as General Plan and zoning designations for the property which would allow up to 5 units.

Kurt Anderson, applicant, addressed the Commission and stated they had worked on alternate plans and now they are back to the original plan. He noted there are increased front setbacks from Pomeroy Avenue, increased landscaping and reduced building height.

Eddie Souza of 1525 Pomeroy Avenue then addressed the Commission. He noted he is still not getting correct mailing and that the property was not entitled to 5 units. Mr. Souza stated that one guest parking space is not enough; that the drawings are incorrect; that more than 2 parking spaces per unit should be provided and that City Council has already turned down three projects for this property. He then stated that this project does not blend in with the community and that other PDs and variance approvals stick out like a sore thumb.

James Rowen then stated that the applicant is asking for a Rezoning, which is much more than a Variance. He stated that the project will have a negative impact and that there was significant neighborhood opposition.

Robert Fitch, residence of Rosita Drive, then addressed the Commission noting some of his concerns about the project, such as driveway location (on wrong side), private yard locations and that he felt the proposal should deal with sensitivity to avoid negative impacts.

Chris Stampolis of 1000 Kiely Boulevard #46, then addressed the Commission. Mr. Stampolis questioned the recommended findings regarding the housing stock in the staff report. He talked of Pomeroy Elementary School being the second largest in the district

Kevin Park of Peppertree Court then addressed the Commission. Mr. Park noted that the property is valuable as a larger property and noted the concerns of the neighborhood.

Mr. Anderson, applicant/architect, noted the elevation Mr. Souza had presented was incorrect and that the project has been revised at the direction of the Planning Commission, while noting the driveway was proposed to distance the new units from the existing single family residence.

The public hearing was closed.

Chairperson Champeny stated that although some changes have been made, he still cannot make the findings to support the request. Commissioner O'Neill stated she had met with Mr. Souza last

week. Commissioner Fitch stated he did not see any significant changes from the last proposal.

#### **Commission Recommendation – May 28, 2008**

It was moved by Commissioner Marine, seconded by Commissioner Fitch and unanimously carried (Barcells excused) to recommend City Council Denial of the Rezoning.

Staff noted that the Planning Commission recommendation would be reviewed by City Council.

- 11.**     File:                     **PLN2007-06419/CEQ2007-01047**  
          Location:            2585 El Camino Real, an 1.45-acre site on the north side of El Camino Real, east of Saratoga Creek and 490 feet. west of Morse Lane (APN: 216-01-008). Property is zoned CT (Thoroughfare Commercial)  
  
          Applicant/Owner:   Greg Malley  
          Request:            **Adopt Mitigated Negative Declaration; General Plan Amendment #68** from Mixed Use to Transit Oriented Mixed Use; and  
                                  **Rezone** from CT (Thoroughfare Commercial) to PD (Planned Development) for the development of a four-story mixed use project with ground floor retail, 60 condominium units above, site access, circulation, parking and landscape improvements  
  
          Project Planner:     Debby Fernandez, Assistant Planner II

#### **Summary of Discussion – May 28, 2008**

Ms. Fernandez, project planner, summarized the last public hearing on this item, held April 9<sup>th</sup>. She then presented power point slides of the project, including aerials and photos of the site and surrounding properties. Ms. Fernandez then presented a rear elevation perspective drawing and a shadow study which were handed out at the meeting.

Ms. Fernandez then reviewed the proposed creek trail easement along the west side of the project site and raised landscape planter along the rear elevation of the structure to screen views onto the residential properties to the north. Ms. Fernandez then showed a section drawing of the rear setbacks for comparison of the project to the adjoining single family residences to the north. She noted that changes are required to conditions #11 and #98 and provided the necessary wording of the conditions. She also stated that the applicant may return to file a tentative parcel map for the project to create a single lot subdivision for sale of condominiums.

Maia Gendreau, project architect then addressed the Commission. She presented a shadow study representative of December 21 (shortest day of year) and the Summer Equinox conditions, and then presented a perspective rendering of views from Robinson Avenue. In answer to a question from Commissioner Stattenfield, Ms. Gendreau stated a color scheme has not been selected.

Gisela Del Rio, traffic engineer for Hexagon Transportation Consultants, then addressed the Commission and noted that a Saturday traffic study was added for a Starbuck's at the request of the Planning Commission. She noted Hexagon conducted weekend traffic counts at Starbucks facilities in Milpitas and Santa Clara and imported the data to assess traffic level of service (LOS) generated by the potential location of a Starbucks on the project site. Ms. Del Rio stated that the trip generation rates assumed 1,500 square feet, approximately half of the total proposed retail square footage, which produced an estimate of 100 a.m. peak and 65 p.m. peak hour trips. She stated that the analysis indicates that intersection operations in the vicinity of the project would operate at an acceptable LOS during both weekday and weekend peak hours.

In response to a question from Chairperson Champeny, Ms. Del Rio noted ITE rates do not have published trip generation data for Starbuck's type of coffee shops.

Eddie Souza, of Pomeroy Avenue, noted this type of development is a concern as his family owns property on El Camino Real and Pomeroy.

Mr. Van Langston, adjacent property owner, then addressed the Commission and read a statement from the General Plan and questioned if four-stories are less than 50 feet and referenced slides of Cabot Avenue. He stated he does not support the project as proposed.

Ginger Langston, resident, then addressed the Commission and noted the City has plenty of housing and does not need monsters such as this.

A nearby property owner stated he would lose his view of the mountains with this project. Another property owner spoke of his concerns with the future number of occupants. Another resident expressed his concerns regarding pedestrian safety at crosswalks for children nearby schools and parks and crosswalks. Another speaker noted concerns about noise impacts and building heights of the project.

Ms. Rucker of Donovan Avenue questioned the number of parking spaces per unit. Ms. Rucker noted her concerns about her garden and shadow impacts onto her property, including loss of privacy.

Mr. Park of Peppertree Court noted that this project isn't just adding housing, its impacting adjoining neighbors and trying to put a lot of people into one place.

The applicant then noted the project is three-stories over podium parking and not five-stories and acknowledged that the December study concludes shadows would cover adjacent back yards completely for a portion of the day.

Project applicant/owner Greg Malley then addressed the Commission and spoke to the benefits of the proposed project. Mr. Malley noted that Cabot Avenue is an inappropriate comparison and that his project does step down to three stories at the rear. Mr. Malley also stated that a row of trees would be planted on the upper rear podium in the raised landscape plan and along the rear property line for screening.

The public hearing was closed.

Commissioner Marine noted the definition of Transit-Oriented Development (TOD) in the staff report seems to be fairly broad.

Ms. Fernandez defined TOD and noted the project is within walking distance of 60 and 330 VTA bus lines, in addition to the 22 and 522 routes along El Camino Real. She also noted the project was within walking distance of services such as a grocery stores.

Commissioner Sarodi then noted his belief that transit should be there first. Commissioner Stattenfield stated he felt additional studies needed to be done and could not make the findings to support the request. Commissioner Marine noted his concerns about building height and that perhaps this proposal was too dense for the property. Chairperson Champeny stated his concerns that perhaps this was not the right place for this project.

Commissioner Marine made a motion to deny the request, with a second motion from Commissioner Stattenfield.

Commissioner O'Neill noted her concerns regarding impacts to the surrounding neighbors.

Commissioner Sarodi stated he felt the project would be more appropriate at a density of 18 dwelling units to the acres, as the former Santa Clara Lumberyard development at Lincoln and Clay Streets.

Commissioner Fitch noted the City has a number of mixed use developments on El Camino Real and that this project doesn't seem any different from those. He then suggested the project be scaled down.

Ms. Fernandez stated the City has long range goals to put density in proximity to transit services.

Commissioner Marine stated he liked the concept of TODs, the idea of mixed use, but felt the project was too much.

Mr. Riley noted that the issue is not so much TODs for the City but dealing with the issue of supporting housing opportunities in appropriate locations.

Mr. Malley noted he has reduced the housing count from 64 to 60 units, with six below-market-rate (BMR) units and he could not economically reduce the number of units any further. He then noted he has been trying to acquire the property next door, but has been having difficulty.

In response from Commissioner Marine as to whether the number of BMR units could be reduced, Mr. Riley noted that this is a question for City Council which sets the housing policies.

Commissioner Stattenfield stated he is most concerned for the neighbors north of the site.

Commissioner Marine then retracted his motion to deny the request.

#### **Commission Action – May 28, 2008**

It was then moved by Commissioner Marine, seconded by Commissioner Fitch and unanimously carried (Barcells excused) to **continue this item to June 25, 2008** to further explore alternate concepts.

#### **NEW ITEMS**

- |            |                  |  |
|------------|------------------|--|
| <b>12.</b> | File:            | <b>PLN2008-07022</b>   |
|            | Location:        | 2221 The Alameda, a 0.42-acre site at the southeast corner of The Alameda and Chapman Court (APN: 230-18-106). Property is zoned CT (Thoroughfare Commercial).                                   |
|            | Applicant:       | Mission City Coffee Roasting Company – Koo Jae W.  |
|            | Owner:           | Talia Family Trust   |
|            | Request:         | <b>Amend Use Permit</b> to allow beer and wine service and modify and extend the hours of live entertainment in an existing café on a nonconforming Thoroughfare Commercial (CT) zoned property. |
|            | Project Planner: | Debby Fernandez, Assistant Planner II and Marge Sung, Assistant Planner I  |

#### **Summary of Discussion – May 28, 2008**

Ms. Fernandez provided a project description and background including General Plan and zoning designation of the property. Ms. Fernandez noted there are 27 parking spaces on-site for shared use by the current tenants occupying the building and that parking is available on The Alameda and restricted on Chapman Court. She noted there would be no expansion of seating with this request; that the requested hours for live acoustic music is Monday through Saturday from 7 p.m. to 10 p.m. and Sunday from 4 p.m. to 9 p.m.; business hours are 6 a.m. to 11 p.m. Monday through Friday, 6:30 a.m. to 11 p.m. Saturday, and 7 a.m. to 10 p.m. Sunday; and that beer and wine service would cease at one-half hour before closing. Ms. Fernandez then advised those present that the Alcoholic Beverage Control (ABC) has issued a Temporary Liquor License to reinstate an expired beer and wine license for the business and that the Police Department was contacted by staff and has reported no concerns with the proposed project.



The public hearing was then opened.

Jay Koo addressed the Commission and noted he has operated the site for three years and that musicians frequent his business. In response to a question, Mr. Koo noted he had not seen the email from Brian Froelich.

James Rowen then addressed the Commission and noted it is regrettable the applicant did not check with the neighborhood. Mr. Rowen then noted that many nearby residents have lived in the neighborhood for many years.

Ms. Varda then addressed the Commission and noted the value in having a place in Santa Clara to play live music.

Claudia Kirkland of Park Avenue, then addressed the Commission. She noted she had read both files and noted the number of indoor seats exceeds the number the permitted. Mr. Kirkland said she had counted 90 seats in the rear room and 50 seats in the front room. She noted that the towing notice on Chapman is defaced, stated concerns that the business owner has not checked on the parameters of what his operating restrictions are and that the business may not conform to any additional entitlements.

Leslie Cameron noted she is one of many patrons of Mission City that support this request.

Dave Metzger, a patron, also noted his support for this request as it provides a family friendly environment with acoustic music. He noted the business is a wonderful resource for the area and that the beer and wine service would enhance the experience of patrons.

Jordon Zweigoron of Hilmar Street stated his concerns for the well being of his family and lack of parking in the area.

Virginia Kristo, also of Hilmar Street, then addressed the Commission. She stated she resides very close to the coffee shop and that her neighborhood has already experienced some problems with some businesses and thinks allowing alcohol is a bad idea.

Brian Froelich then addressed the Commission. He suggested the rear access only be used for emergencies; that the outdoor seating be limited to 30 feet of the front door; and requested the graffiti be removed.

Art Bacon of Chapman Street then stated he is constantly picking up bottles and cans outside his house and that adding liquor should not be permitted.

William Wilhelm-Safin stated he is a musician and that he frequents the business a few times a week and supports the request.

Peter Ross, a teacher at Santa Clara University and fan of folk music, stated he was in support of the request.

David Lopez, a resident of McKillop Court, noted his concerns as many people park on his street and felt this request is a bad idea.

Martha Giannini, property owner, then noted her concerns for safety as many cars speed on her street and is opposed to the proposed hours. Mr. Giannini stated this is not a clean facility with litter that blows into her neighborhood and requested the hours be limited and that no amplified music be allowed.

Dennis Aiello then stated his support of this request.

*Applicant Rebuttal:*

Mr. Koo clarified he will only sell beer and wine; that he tries to clean up the property as much as he can; that the music stops at 9 p.m. on Sunday night; that for the last two years since the Hookah Lounge moved into the building he has had some problems; that he targets an audience over 35 years of age and that most music ends by 10 p.m.; and that most cars parked in the area are from the Hookah Lounge.

In response from a question from Commissioner Marine, Mr. Koo stated he tries to keep a watch on the back lot to prevent problems and that 6 outdoor seats are allowed.

In response to a question from Commission Fitch, Mr. Koo responded that most music starts at 7:00 p.m. and that he would also like to start beer and wine at noon for lunches. The applicant then noted many police officers frequent his business.

Commission Sarodi noted his observation that there was a parking problem in the area.

The public hearing was closed.

### **Commission Action – May 28, 2008**

It was moved by Commissioner Marine, seconded by Commissioner Stattenfield and unanimously carried (Barcells excused) to **approve** the Use Permit to allow beer and wine service and acoustic live music as follows: hours of operation to occur Monday through Thursday 6 a.m. to 10 p.m., Friday 6 a.m. to 11 p.m., Saturday 6:30 a.m. to 11 p.m., and Sunday 7 a.m. to 10 p.m.; sale and service of beer and wine to start at 11 a.m.; live nonamplified music from 7 p.m. to 11 p.m. Fridays and Saturdays only; maintain rear door for emergency use only and equip with an audible emergency alarm; limit the number of seats to 45 indoor and 6 outdoor seats; and conduct a six-month review and prepare a report back to the Commission.

Mr. Riley noted that this action is final, unless appealed within 7 days, or at the time of City Council review.

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|------------|------------------|--|
| <b>13.</b> | File:            | <b>CEQ2007-01043</b>   |
|            | Location:        | City-wide  |
|            | Request:         | <b>Determine General Plan conformance and Environmental Determinations</b> for proposed 2007-2008 City of Santa Clara Capital Improvement Budget |
|            | Project Planner: | Judith Silva, Associate Planner  |

### **Summary of Discussion – May 28, 2008**

Ms. Painter provided a background of the Capital Improvement Budget, slated for adoption on June 10<sup>th</sup> by City Council. She reviewed the staff report, City objectives that would be implemented and some of the projects while noting the combined budget total is \$98 million, including 23.9 million dollars for City Redevelopment and Open Space projects.

### **Commission Action – May 28, 2008**

It was moved by Commissioner Marine, seconded by Commissioner O'Neill and unanimously carried (Barcells excused) to **Find the 2007-2008 City of Santa Clara Capital Improvement Budget in Conformance with the General Plan and Recommend the Environmental Determinations** as presented in the staff report.

## **OTHER BUSINESS**

### **14. Commission Procedures and Staff Communications**

*Public comment on these items may be limited to one minute, at discretion of the Chair*

- a. Announcements/Other Items
- b. Report of the Director of Planning and Inspection
  - City Council actions
  - 2008 APA National Conference Summary: Ian Champeny

Chairperson Champeny reported on the National APA Conference he had attended in Las Vegas, Nevada.

- Commission/Board Liaison and Committee Report
- Commission/Committee Assignments
- Architectural Committee: Commissioners Marine and Stattenfield (Sarodi and Barcells alternates)
- Station Area Plan: Chairperson Champeny
- General Plan sub-Committee: Commissioners Fitch and O'Neill

c. Commission Procedures

- Planning Procedures
- Work plan items
- Discussion regarding Public Hearing Noticing procedures

Kevin Park then addressed the Commission and stated that the City of Sunnyvale notices residences, as well as property owners. He then requested notification for Marina Play and Santa Clara Gateway projects.

Mr. Riley reviewed the City's notification practices, including the State requirements, including the standards for a 300 foot radius while noting the City provides 1,000 foot notifications on larger projects. Commissioner Marine stated he felt it would be a good idea to notify residences in addition to property owners.

Ms. Painter stated staff was merging interest lists and 300 foot lists, as well as doing 1,000 foot notices for all projects in proximity to Lawrence Expressway and El Camino Real intersections, looking into expanding web-site abilities and improving the label printing system. This item was continued for further discussion up to 120 days.

## 15. ADJOURNMENT

The meeting was adjourned at 1:43 a.m.

Respectfully submitted:

  
Jeff Schwilk, AICP and Debby Fernandez  
Associate Planners

Approved:   
Carol Anne Painter  
City Planner

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